

Notice of Allowability

Application No.

10/602,257

Examiner

Darren W. Ark

Applicant(s)

WARREN, MARSHALL H.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 7/6/04 and Telephone Interview 8/26/04.
2. ☒ The allowed claim(s) is/are 1,3,7,8,12,13,15,17 and 19-21.
3. ☒ The drawings filed on 23 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

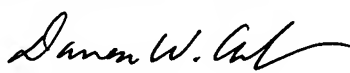
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Darren W. Ark
Primary Examiner
Art Unit 3643

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter L. Beavers on Thursday, August 26, 2004.

The application has been amended as follows:

Canceled claims 4, 5, 6, 9, 11, 14, 16, and 18.

Claim 1. A bait station comprising: a horizontal pest channel, a vertical bait tube, said pest channel affixed to said bait tube and in fluid communication therewith, a flexible planar shroud, said shroud defining a central opening therein, said bait tube positioned in said shroud opening for covering the pest channel, an anchor, first and second anchor guides attached to said bait tube, said second anchor guide attached to said bait tube below said first anchor guide, said first and second anchor guides aligned along said bait tube for maintaining a common anchor, each of said first and second anchor guides comprises an eye bolt, said anchor slideable within said eye bolts, whereby said shroud can be hidden with ground cover to camouflage said bait station while said bait tube remains readily accessible and is stabilized while said pest channel remains negotiable to a pest.

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Claim 7, line 1, replaced "4" with --1--.

Claim 12, line 1, replaced "9" with --1--.

Claim 19. A method to eradicate yard pests using an inverted t-shaped bait station comprising a substantially vertical bait tube with a removable cap, the bait tube normally intersecting a pest channel and in fluid communication therewith, a flexible planar shroud with a central opening for receiving the bait tube so the shroud substantially covers the pest channel, a pair of anchor guides affixed to the bait tube along its length and which are aligned with each other and are parallel to a its vertical axis of the bait tube, an anchor that slideably passes through the pair of anchor guides for securing the bait station to the ground and maintaining a desired orientation, the method comprising the steps of:

- a) placing the bait station on the ground whereby the pest channel contacts the ground surface and the bait tube is normal to the ground near a known pest burrow;
- b) adjusting the an angle of the bait tube with respect to the ground surface to achieve the desired orientation;
- c) placing the anchor through the anchor guides and contacting the ground therewith;
- d) placing the shroud opening over the bait tube so the pest channel is completely covered with the shroud;
- e) concealing the shroud with ground cover; and
- f) baiting the bait station.

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Claim 20, line 4, replaced "therein" with --in the bait tube--.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose the bait station comprising each of the first and second anchor guides comprising eye bolts.

In regard to claim 19, the prior art of record does not disclose a method to eradicate yard pests using an inverted t-shaped bait station, the method comprising the steps of: placing the anchor through the anchor guides and contacting the ground therewith; and concealing the shroud with ground cover.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA